

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Kevin David Tolejko**  
Debtor(s)

Bankruptcy Case No.: 19-24789-CMB  
Per September 21, 2020 Proceeding  
Chapter: 13  
Docket No.: 58 – 15  
Concil. Conf.: December 17, 2020 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 10, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 17, 2020 at 02:00 PM, in remotely by the Trustee via Zoom, how to participate: goto [www.ch13pitt.com](http://www.ch13pitt.com), [meetings@chapter13trusteewdpa.com](mailto:meetings@chapter13trusteewdpa.com).*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: September 23, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

## Certificate of Notice Page 4 of 5

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Kevin David Tolejko  
DebtorCase No. 19-24789-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2

User: gamr  
Form ID: 149Page 1 of 2  
Total Noticed: 29

Date Rcvd: Sep 23, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 25, 2020.

db  
15171210 ++Kevin David Tolejko, 107 Jodi Road, Beaver, PA 15009-9521  
++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)  
15183982 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
15171212 +Barclays Bank, PO Box 8803, Wilmington, DE 19899-8803  
15171213 +Best Buy, PO Box 30253, Salt Lake City, UT 84130-0253  
15171216 Citi Card, PO Box 9001037, Louisville, KY 40290-1037  
15171219 +Ford Motor Credit, PO Box 650575, Dallas, TX 75265-0575  
15203531 +PENNYMAC LOAN SERVICES, LLC, P.O. BOX 2410, MOORPARK CA 93020-2410  
15171223 +PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180  
15171222 +Pennymac Loan Services, LLC, 3043 Townsgate Road, Suite 200,  
Westlake Village, CA 91361-3027  
15185694 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,  
Pittsburgh, PA 15233-1828

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr  
+E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Sep 24 2020 05:20:01  
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
15232736 E-mail/Text: Bankruptcy.RI@Citizensbank.com Sep 24 2020 05:11:21 Citizens Bank N.A.,  
One Citizens Bank Way Mailstop JCA115, Johnston RI 02919  
15171214 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 24 2020 05:19:24 Capital One,  
PO Box 30281, Salt Lake City, UT 84130-0281  
15183332 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 24 2020 05:19:57  
Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,  
Charlotte, NC 28272-1083  
15171215 +E-mail/PDF: gecsedirecoverycorp.com Sep 24 2020 05:20:32 Care Credit, PO Box 965036,  
Orlando, FL 32896-5036  
15171218 +E-mail/PDF: creditonebknofifications@resurgent.com Sep 24 2020 05:19:27 Credit One Bank,  
PO Box 98872, Las Vegas, NV 89193-8872  
15199489 +E-mail/Text: kburkley@bernsteinlaw.com Sep 24 2020 05:13:18 Duquesne Light Company,  
c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,  
Pittsburgh, PA 15219-1945  
15171220 +E-mail/PDF: gecsedirecoverycorp.com Sep 24 2020 05:20:31 Levin, PO Box 965036,  
Orlando, FL 32896-5036  
15199584 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 24 2020 05:12:39 Midland Funding LLC,  
PO Box 2011, Warren, MI 48090-2011  
15171221 +E-mail/PDF: gecsedirecoverycorp.com Sep 24 2020 05:19:22 Networks, PO Box 965036,  
Orlando, FL 32896-5036  
15181806 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Sep 24 2020 05:20:42  
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
15203308 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Sep 24 2020 05:20:01  
Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541  
15194272 E-mail/Text: bnc-quantum@quantum3group.com Sep 24 2020 05:11:44  
Quantum3 Group LLC as agent for, CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788  
15171225 +E-mail/PDF: gecsedirecoverycorp.com Sep 24 2020 05:19:56 SYNCB, PO Box 965015,  
Orlando, FL 32896-5015  
15171224 +E-mail/PDF: gecsedirecoverycorp.com Sep 24 2020 05:20:32 Sleep Number, Po Box 965036,  
Orlando, FL 32896-5036  
15171460 +E-mail/PDF: gecsedirecoverycorp.com Sep 24 2020 05:20:32 Synchrony Bank,  
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
15193416 +E-mail/Text: bankruptcy@huntington.com Sep 24 2020 05:12:37 The Huntington National Bank,  
PO Box 89424, Cleveland, OH 44101-6424  
15197021 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Sep 24 2020 05:33:48 Verizon,  
by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 18

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr PENNYMAC LOAN SERVICES, LLC  
cr\* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,  
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945  
cr\* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,  
Pittsburgh, PA 15233-1828  
15171211\* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)  
15171217\* Citi Card, PO Box 9001037, Louisville, KY 40290-1037

TOTALS: 1, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: gamr  
Form ID: 149

Page 2 of 2  
Total Noticed: 29

Date Rcvd: Sep 23, 2020

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 25, 2020

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 23, 2020 at the address(es) listed below:

Brian Nicholas on behalf of Creditor PENNYMAC LOAN SERVICES, LLC bnicholas@kmlawgroup.com  
Joseph Peter Nigro on behalf of Debtor Kevin David Tolejko nigroj@verizon.net,  
chrissyvock86@yahoo.com;jasonjkelley@comcast.net;nigrojr73l04@notify.bestcase.com  
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,  
jbluemle@bernsteinlaw.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,  
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com  
Thomas Song on behalf of Creditor PENNYMAC LOAN SERVICES, LLC pawb@fedphe.com  
TOTAL: 7